



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 27 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Matt Read
Hodge Dwyer and Driver
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705-5776

Re: *In the Matter of: Farmers Elevator Company of Manteno, Manteno, Illinois*
Docket No. EPA 5-15-113(a)-IL-04

Dear Mr. Read:

I have enclosed a signed Administrative Consent Order (ACO) with Farmers Elevator Company of Manteno under the Clean Air Act. Pursuant to Paragraph 38, the ACO is effective on the date of signature by the Director of the Air and Radiation Division.

If you have any questions on this matter, please do not hesitate to call Ms. Jennifer Wilson, P.E. of my staff, at (312)353-3115, or, with legal questions, John Matson, Associate Regional Counsel, at (312)886-2243.

Sincerely,

for Nathan A. Frank, P.E.
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: John Matson, C-14J
Jennifer Wilson, AE-17J
Eric Jones, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-15-113(a)-IL-04
)	
Farmers Elevator Company)	Proceeding Under Sections 113(a)(1) and
of Manteno, Manteno, Illinois)	114(a)(1) of the Clean Air Act 42 U.S.C.
)	§§ 74113(a)(1) and 7414(a)(1)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5 (Air Director), issues this Administrative Consent Order (Order) requiring compliance to Farmers Elevator Company of Manteno (Farmers Company) pursuant to Sections 113(a)(1) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1).

2. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), grants the Administrator of EPA (Administrator) the authority to issue an order requiring compliance with any requirement or prohibition of an applicable State Implementation Plan (SIP) to any person who has violated or is violating the SIP.

3. The Administrator has delegated the authority to issue orders pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), to the Regional Administrator of Region 5, who has re-delegated this authority to the Air Director.

4. The Administrator also may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1).

5. The Administrator has delegated the authority to issue orders pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414 (a)(1), to the Regional Administrator of Region 5, who has re-delegated this authority to the Air Director.

6. Farmers Company consents to the issuance of this Order.

Statutory and Regulatory Background

7. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a SIP implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

8. On February 21, 1980, EPA approved Illinois Pollution Control Board (IPCB) Rule 203 as part of the federally enforceable SIP for the State of Illinois. *See* 45 Fed. Reg. 11493. IPCB Rule 203 is codified, in part, at 35 Ill. Admin. Code §§ 212.461-212.463, and is set forth in the Illinois SIP at Rule 203(d)(9).

9. The Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] establishes certain housekeeping practices (hereinafter "Housekeeping Practices") that all grain-handling and grain-drying operations must implement regardless of size, including:

- A. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.
- B. Cleaning and Maintenance.
 - 1. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
 - 2. Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.
 - 3. The yard and surrounding area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.
- C. Dump pit.
 - 1. Aspiration equipment shall be maintained and operated.
 - 2. Dust control devices shall be maintained and operated.
- D. Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.
- E. Property. The yard and driveway of any source shall be asphalted, oiled, or equivalently treated to control dust.
- F. Housekeeping Check List. Housekeeping checklists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

EPA's Findings

10. This Order applies to the grain elevator facilities located at: (1) 51 West Fourth Street, Manteno, Illinois; and (2) 7690 E 9000N Road, Grant Park, Illinois.

I. Manteno Facility-51 West Fourth Street, Manteno, Illinois

11. Farmers Company owns and operates a grain elevator at 51 West Fourth Street, Manteno, Kankakee County, Illinois, 60950 (Manteno Facility).

12. The Manteno Facility has a total annual grain throughput of approximately 5.2 million bushels per year and processes soybeans, corn, and wheat using truck unloading, dump pits, belt conveyors, cleaners, a dryer, railcar loading, truck loading, and storage bins, all of which have the potential to create particulate matter. The Manteno Facility has dump pits on the east side of North Main Street (the East Side Dump Pit) and on the west side of North Main Street (the West Side Dump Pit).

13. At all times relevant to this Order, the Manteno Facility has been subject to the provisions of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)].

14. On July 16, 2012, EPA personnel performed an inspection of the Manteno Facility to determine Farmers Company's compliance with the CAA.

15. On July 16, 2012, EPA inspectors observed and determined the following at the Manteno Facility:

- A. **Dump Pit Area:** The dump pit sheds were open at both ends and Farmers Company did not utilize quick-closing doors, air curtains or wind deflectors. While Farmers Company utilized aspiration equipment consisting of suction systems for trucks in the process of dumping grain, EPA's inspectors observed that the suction system for one of the dump pits vented directly to the ambient atmosphere outside the dump pit without being conveyed through air pollution control equipment with the requisite particulate collection efficiency. EPA's inspectors observed visible emissions from this emission point. The aspiration equipment for the other two dump pits also did not convey the particulate emissions through air pollution control equipment with the requisite particulate collection efficiency;
- B. **Loadout Areas:** Socks, sleeves or equivalent devices were not extended six inches below the sides of trucks that were being loaded at the Manteno Facility. EPA's inspectors observed visible emissions while a truck was being loaded;

- C. Facility Cleaning and Maintenance: An accumulation of grain that would tend to rot or become airborne was scattered on the floor of two dump pits of the Manteno Facility;
- D. Yard and Driveways: EPA's inspectors observed that the yard and driveway at the Manteno Facility were not asphalted, oiled or equivalently treated to control dust. A representative of the Manteno Facility stated that the roads are not watered; and
- E. Complaints from Residents: Another representative of the Manteno Facility told EPA's inspectors that the company has received complaints from residents living near the Manteno Facility about grain particulate emissions from the Manteno Facility.

16. On September 25, 2012, EPA issued to Farmers Company a Notice of Violation (NOV) pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), alleging violations of the Illinois SIP at its Manteno Facility. The September 25, 2012 NOV pertained to violations at the Manteno Facility of various particulate matter regulations applicable to grain handling operations.

17. On May 29, 2013, Farmers Company representatives for the Manteno Facility and EPA met and discussed the September 25, 2012 NOV.

II. Whitaker Facility-7690 E 9000N Road, Grant Park, Illinois

18. Farmers Company owns and operates a grain elevator at 7690 E 9000N Road, Grant Park, Kankakee County, Illinois, 60940 (Whitaker Facility).

19. The Whitaker Facility has a total annual grain throughput of approximately 1.5 million bushels per year and processes soybeans, corn, and wheat using truck unloading, dump pits, belt conveyors, cleaners, a dryer, truck loading, and storage bins, all of which have the potential to create particulate matter.

20. On July 16, 2012, EPA inspectors performed an inspection of the Whitaker Facility and observed and determined the following:

- A. Property: An accumulation of rotting grain was scattered on the driveways and on the yard of the Whitaker Facility;
- B. Housekeeping Checklist: The Whitaker Facility did not have a housekeeping checklist;
- C. Doors on Dump Pits: a representative of the Whitaker Facility stated to EPA's inspectors that the Whitaker Facility does not close the doors of the dump pit when trucks dump their contents into the pit; and

- D. Loadout Areas: The Whitaker Facility representative also stated to EPA's inspectors that the Whitaker Facility does not always use socks or sleeves during truck loading.

21. On September 25, 2012, EPA issued to Farmers Company a NOV pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), alleging violations of the Illinois SIP at its Whitaker Facility. The September 25, 2012 NOV pertained to violations at the Whitaker Facility of various particulate matter regulations applicable to grain handling operations.

22. On May 29, 2013, Farmers Company representatives for the Whitaker Facility and EPA met and discussed the September 25, 2012 NOV.

Compliance Program – Manteno Facility

23. No later than 300 days following the effective date of this Order and beyond, Farmers Company shall implement a compliance program at its Manteno Facility including the following steps:

- A. Farmers Company will utilize and operate at all times dumping is occurring at the West Side Dump Pit, an induced draft system that produces a minimum face velocity at the grate surface of at least 200 feet per minute (fpm) and air pollution control equipment designed to operate with a particulate matter removal efficiency of not less than 90% by weight. Farmers Company shall continue to maintain and operate these devices and equipment at the Manteno Facility to, at a minimum, achieve the 200 fpm minimum face velocity and the 90% particulate matter removal efficiency;
- B. Farmers Company will utilize and operate at all times dumping is occurring at the East Side Dump Pit, an induced draft system that produces a minimum face velocity at the grate surface of at least 200 fpm and air pollution control equipment designed to operate with a particulate matter removal efficiency of not less than 90% by weight. Farmers Company shall continue to maintain and operate these devices and equipment at the Manteno Facility to, at a minimum, achieve the 200 fpm minimum face velocity and the 90% particulate matter removal efficiency; and
- C. As part of the operation of its existing devices and equipment and as a good operating practice to minimize particulate emissions, when the induced draft system at the East Side Dump Pit is at risk of being overcome by wind during truck unloading, Farmers Company shall close one door at the East Side Dump Pit.
- D. As part of the operation of its existing devices and equipment and as a good operating practice to minimize particulate emissions, when the induced draft system at the West Side Dump Pit is at risk of being overcome by wind during truck unloading, Farmers Company shall close one door at the West Side Dump Pit if possible. If closing one door on the West Side Dump Pit is not possible, Farmers Company shall employ an alternative wind block.

Compliance Program - Both Facilities

24. As of the date of signature of this Order and beyond, Farmers Company shall implement a compliance program at the Manteno and Whitaker Facilities including, at a minimum, the following steps:

- A. Farmers Company shall use loadout socks or sleeves that extend six inches into trucks at all of the truck loadouts at both Facilities. Farmers Company will also maintain the devices such that if they become tattered or torn they are timely replaced;
- B. By signing this Order, Farmers Company certifies that all of the conveyors at the two Facilities are completely enclosed. Farmers Company shall continue to maintain and operate these enclosures;
- C. In order to control dust from the parking areas and driveways that do not have blacktop, concrete, or asphalt grindings at the two Facilities, the accessible parts of such areas shall be treated using water, calcium chloride, or magnesium chloride as often as needed to prevent dust. Farmers Company shall maintain and keep in good repair the parking and driveway areas that are paved;
- D. Farmers Company shall prepare a daily spreadsheet for dust control treatment at each Facility. The Dust Control Treatment Spreadsheet shall contain an entry for each day recording either: (1) the times, dates, and types of treatment (such as water, calcium chloride, or magnesium chloride) used to prevent dust from the parking areas and driveways at the Facility; or (2) the date and reason the Facility did not employ dust control treatment in the spreadsheet on days treatment was not used because: (a) the Facility was not operating; (b) the Facility personnel believed treatment was not necessary based on observations; or (c) of weather conditions at the Facility; and
- E. Within 60 days from the effective date of this Order, unless otherwise noted, Farmers Company shall demonstrate compliance with the Illinois SIP at Rule 203(d)(9) [35 Ill. Admin. Code § 212.461(b)(1)] at the two Facilities during Facility operations as follows:
 - 1. Check air pollution control devices daily and clean as necessary to insure proper operation;
 - 2. Keep floors swept and cleaned from boot pit to cupola. Keep roofs, bin decks, and other exposed flat surfaces clean of grain and dust that would tend to rot or become airborne;
 - 3. Clean the yard and surrounding open areas, including but not limited to ditches and curbs, to prevent the accumulation of rotting grain;
 - 4. Maintain and operate dust control devices at the dump pits;
 - 5. Handle cleaning at each Facility in such a manner as to not permit dust to escape to the atmosphere; and
 - 6. When facilities are in operation, complete and maintain a housekeeping checklist on the premises for inspection by EPA or Illinois Environmental Protection Agency personnel. The housekeeping checklist shall include language requiring:

- a. Daily inspection of air pollution control devices to ensure that they are functioning properly in accordance with the Illinois SIP at Rule 203(d)(9)(A)(i) [35 Ill. Admin. Code § 212.461(b)(1)];
- b. Weekly inspections of the sleeves on the loadouts while loadout is occurring; and
- c. Weekly inspections for visible emissions from the internal transferring area.

Periodic Reporting and Monitoring Requirements

25. For one year after the effective date of this Order, Farmers Company shall submit a total of four electronic quarterly reports to EPA by the 15th day of February, May, August, and November that include completed housekeeping checklists for both facilities.

26. Farmers Company shall submit all required or requested information under this Order under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the CAA, and 18 U.S.C. §§ 1001 and 1341.

27. Farmers Company must send all electronic reports required by this Order to EPA at the following email addresses: wilson.iennifera@epa.gov, and r5airenforcement@epa.gov.

Paper documents must be submitted to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

28. This Order does not affect Farmers Company's responsibility to comply with other federal, state and local laws.

29. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the CAA at the Manteno or Whitaker Facilities.

30. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Farmers Company's violations of the Illinois SIP.

31. Failure to comply with this Order may subject Farmers Company to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

32. The terms of this Order are binding on Farmers Company, its assignees and successors. Farmers Company must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given this notice.

33. Farmers Company may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Farmers Company fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. §2.301.

34. This Order is not subject to the Paperwork Reduction CAA, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish documents as an electronic copy on CD or thumb drive, except as otherwise provided in this Order. If Farmers Company must furnish paper documents, provide your furnish documents without staples. Paper clips and binder clips are acceptable.

35. EPA may use information submitted under this Order in an administrative, civil judicial or criminal action.

36. For purposes of this Order and enforcement of this Order, Farmers Company waives any remedies, claims for relief and otherwise available rights to judicial or administrative review that Farmers Company may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and any jurisdictional defenses to EPA's enforcement of it.

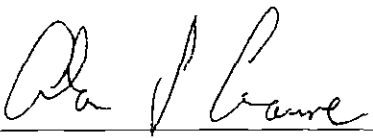
37. Farmers Company neither admits nor denies EPA's Findings listed in paragraphs 10-22 above, and agrees to be bound by the terms of this Order.

38. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Farmers Company has complied with all terms of the Order throughout its duration.

Farmers Elevator Company of Manteno - Administrative Consent Order - Signatures

2/19/15

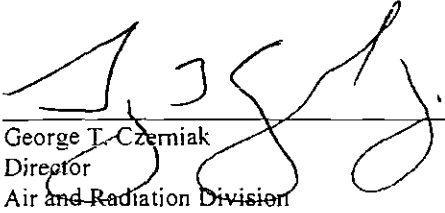
Date



Alan Lamore
Manager
Farmers Elevator Company of Manteno

3/27/15

Date



George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

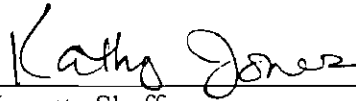
I, Loretta Shaffer, certify that I sent a final version of the Administrative Consent Order, EPA Order No. EPA-5-15-113(a)-IL-04, by certified mail, return receipt requested, to:

Matt Read
Hodge Dwyer and Driver
3150 Roland Avenue
P.O. Box 5776
Springfield, Illinois 62705-5776

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. 5-15-113(a)-IL-04 by first-class mail to:

Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois EPA
1021 North Grand Avenue East
Springfield, Illinois 62702

On the 30th day of March 2015.


for Loretta Shaffer
Program Technician
AECAB, IL/IN

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 5227